

STATE OF TENNESSEE

110th General Assembly

HOUSE OF REPRESENTATIVES

Civil Justice Subcommittee

Wednesday, March 22, 2017 - HHR31 - 9:00 AM & 1:30 PM

Carter, Chair;

Beck, Casada, Daniel, Farmer, Hardaway, Moody

1. [HB 1375](#) ***Sargent** (SB 0164 by *Johnson)
Courts, Supreme Court of Tennessee - As introduced, creates two adult recovery court senior judge positions to be appointed by the supreme court from a list of retired certified recovery court judge applicants compiled by the department of mental health and substance abuse services to hold adult recovery court, such as drug courts, DUI courts, mental health courts and veterans treatment courts, when an adult recovery court judge is unable to hold court due to resignation, retirement, death or other unavailability. - Amends TCA Title 17.
2. [HB 0276](#) ***McCormick** (SB 0267 by *Overbey)
Marriage - As introduced, adds federal administrative law judges to the list of officials authorized to solemnize marriages. - Amends TCA Section 36-3-301.
3. [HB 1176](#) ***Faison** (SB 0339 by *Niceley)
Firearms and Ammunition - As introduced, reduces the penalty for the offense of carrying a handgun without a permit and with the intent to go armed to a Class C misdemeanor with a \$25 fine for a first offense or \$50 for a second or subsequent offense and requires a citation to be issued in lieu of arrest. - Amends TCA Title 39, Chapter 17, Part 13 and Title 40.
4. [HB 0508](#) ***Lamberth, Holt, Casada, Reedy, Williams, Eldridge, Rogers, Halford, Faison, Goins, Farmer, White D, Hawk, Butt, Littleton, Coley, Matheny, Pody, Rudd, Powers, VanHuss, Hill M, Hill T, Ragan, Sexton J, Terry, Gravitt, Byrd, Kumar, Sanderson** (SB 0445 by *Stevens)
Firearms and Ammunition - As introduced, creates a private cause of action for a party that is adversely affected by a local ordinance, resolution, policy, rule, or other enactment on firearms that is preempted by state law; prohibits local or state government entities from prohibiting or restricting firearms on state or local property unless certain conditions are met. - Amends TCA Title 29, Chapter 20 and Title 39, Chapter 17, Part 13.
5. [HB 1016](#) ***Hawk** (SB 1163 by *Hensley)
Estates - As introduced, makes various changes to probate law, including requiring the receipt of a distributee or legatee to be executed under penalty of perjury or sworn before the clerk or a notary public. - Amends TCA Title 30.

6. [HB 0365](#) ***Forgety** (SB 0198 by *Overbey)
Judges and Chancellors - As introduced, exempts retired judges from the duty to attend annual meetings of the state judicial conference. - Amends TCA Title 17, Chapter 3.
7. [HB 1167](#) ***Forgety, Farmer** (SB 1184 by *Niceley)
Eminent Domain - As introduced, requires property taken under eminent domain to be valued at highest and best use instead of fair market value; removes industrial park exception to public use requirement; requires costs of appraisal to always be taxed to the condemning body. - Amends TCA Title 7, Chapter 55; Title 13; Title 29, Chapter 17 and Title 29, Chapter 16.
8. [HB 0316](#) ***Hawk, Casada, Lynn** (SB 1205 by *Norris, Massey)
Mental Health & Substance Abuse Services, Dept. of - As introduced, authorizes the commissioner to designate employees as administrative law judges or hearing officers for all contested case hearings required by the Uniform Administrative Procedures Act rather than solely for admission review hearings for admission to department facilities. - Amends TCA Section 33-1-306.
9. [HB 1297](#) ***Halford** (SB 0028 by *Stevens)
Remedies and Special Proceedings - As introduced, authorizes a court to award punitive damages, attorney's fees, court costs, and incurred legal expenses to a creditor who prevails in an action against a debtor for the fraudulent transfer of assets or property to avoid an obligation. - Amends TCA Title 66, Chapter 3, Part 3.
10. [HB 0490](#) ***Lollar** (SB 0455 by *Bell)
Child Custody and Support - As introduced, permits an LEA to transmit documents requested by a noncustodial parent electronically if the requesting parent has provided an email address to the LEA. - Amends TCA Title 36.
11. [HB 0540](#) ***Doss** (SB 1159 by *Hensley)
Child Abuse - As introduced, removes requirement that a child must suffer physical injury for a parent or custodian to commit the offense of child endangerment and raises age of child who may be victim of offense of child endangerment from eight to 10 years of age. - Amends TCA Section 39-15-401.
12. [HB 1058](#) ***Brooks H** (SB 0602 by *Massey)
Jails, Local Lock-ups - As introduced, limits a sheriff's liability for acts committed by a jailer hired by the sheriff to the terms, conditions, and limitations of the Governmental Tort Liability Act. - Amends TCA Title 29, Chapter 20 and Section 41-4-101.
13. [HB 0551](#) ***Smith** (SB 0603 by *Massey)
Jails, Local Lock-ups - As introduced, removes the specification that a sheriff is civilly liable for the actions of a jailer who was hired by the sheriff. - Amends TCA Title 41, Chapter 4.

14. [HB 0061](#) ***Rogers** (SB 0145 by *Beavers)
Firearms and Ammunition - As introduced, treats a licensed firearms dealer the same as a private citizen by allowing the dealer to occasionally sell, exchange, or transfer firearms from the dealer's personal collection without conducting a background check on the buyer. - Amends TCA Title 39, Chapter 17, Part 13.
15. [HB 0221](#) ***Ragan** (SB 0656 by *Watson)
Domestic Violence - As introduced, requires persons committing domestic assault or against whom a permanent order of protection has been entered to be placed on a domestic abuse registry maintained by the TBI for a period of 10 years from the expiration of the order or sentence for the conviction. - Amends TCA Title 36, Chapter 3, Part 6 and Title 39, Chapter 13, Part 1.
16. [HB 1319](#) ***Stewart** (SB 1097 by *Kyle)
Firearms and Ammunition - As introduced, requires, subject to certain exemptions, a sale or transfer of a firearm to be done through a federally licensed gun dealer; creates a Class B misdemeanor offense for sales or transfers that are not conducted through a gun dealer. - Amends TCA Title 39, Chapter 17, Part 13.
17. [HB 0455](#) ***Littleton, Pody** (SB 0356 by *Tracy)
Firearms and Ammunition - As introduced, prohibits denying a law enforcement officer entry to or removing a law enforcement officer from an event for which the officer holds a valid ticket or has paid an admission fee if denial or removal is based on the officer's lawful carrying of a firearm; permits owner or operator of venue for an event to require law enforcement officer to inform the owner or operator that the officer will be present at the event and in possession of a firearm. - Amends TCA Title 39, Chapter 17, Part 13.
18. [HB 0813](#) ***Hulsey, Faison** (SB 0644 by *Lundberg)
Forfeiture of Assets - As introduced, expands the reporting requirements for the annual civil asset forfeiture report provided by the department of safety to certain committees of the general assembly. - Amends TCA Title 40, Chapter 33, Part 2.
19. [HB 0884](#) ***Matheny** (SB 1341 by *Bailey)
Handgun Permits - As introduced, permits a valid handgun carry permit holder to carry a firearm at any time and in all places in Tennessee unless the permit holder has been drinking alcohol, is in a judicial proceeding, or is on school grounds and does not tell the principal. - Amends TCA Section 39-17-1351(b).
20. [HB 0993](#) ***White D, Goins** (SB 1054 by *Bowling)
Child Custody and Support - As introduced, permits the department of human services to issue an administrative order for seizure of up to 50 percent of an inmate's commissary account in order to satisfy the inmate's overdue child support obligation. - Amends TCA Title 36 and Title 41.
21. [HB 0905](#) ***Kumar** (SB 0810 by *Yager)
Guardians and Conservators - As introduced, provides that all proceeds by the district public guardian for costs and compensation when a disabled person does not qualify for SSI benefits must be kept by the district public guardian to support the ongoing operations of that respective district public guardian. - Amends TCA Section 34-7-104.

- 22. [HB 0493](#) *Holt, Eldridge, Byrd, Hill T** (SB 0131 by *Green, Hensley)
Firearms and Ammunition - As introduced, amends various firearms provisions, including changes to firearms on school property, open or concealed carrying of a firearm, handgun carry permits, and posted firearms prohibitions. - Amends TCA Title 39, Chapter 17, Part 13; Title 49 and Title 70.
- 23. [HB 1006](#) *Holt, Eldridge, Byrd** (SB 0861 by *Roberts)
Firearms and Ammunition - As introduced, confers criminal and civil immunity upon a person who uses or threatens force in self-defense, defense of another, or defense from a person committing criminal offense, unless the person is a law enforcement officer during discharge of the officer's duties and the person knows the person against whom force is used is a law enforcement officer. - Amends TCA Title 39, Chapter 11, Part 6 and Title 39, Chapter 17, Part 13.
- 24. [HB 0409](#) *Byrd** (SB 1151 by *Hensley)
Firearms and Ammunition - As introduced, clarifies that the curriculum required before an employee is permitted to carry a handgun on the property of schools in distressed rural counties may be adapted by the instructing law enforcement agency from an existing curriculum approved by POST. - Amends TCA Section 49-6-816.
- 25. [HB 0892](#) *Pody, VanHuss, Hulsey, Moody, Matlock, Hawk, Sexton J, Holt, Sherrell, Weaver** (SB 0752 by *Beavers, Bailey, Bowling, Green)
Marriage - As introduced, enacts the "Tennessee Natural Marriage Defense Act," which states the policy of Tennessee to defend natural marriage between one man and one woman regardless of any court decision to the contrary. - Amends TCA Title 36.
- 26. [HB 1026](#) *Cooper, Camper, Miller, Hardaway, Shaw** (SB 1126 by *Kyle)
Child Custody and Support - As introduced, authorizes the department of human services to provide the department's recommendations regarding child support guidelines in electronic format to the civil justice committee of the house of representatives and the health and welfare committee of the senate. - Amends TCA Title 36 and Title 50.
- 27. [HB 1221](#) *Hicks** (SB 1340 by *Bailey)
Firearms and Ammunition - As introduced, authorizes district attorneys general and similar persons to carry firearms subject to training and certification requirements. - Amends TCA Section 39-17-1350.
- 28. [HJR 0037](#) *VanHuss, Hill T, Butt, White M, Hulsey, Hill M, Keisling, Matlock, Calfee, Lovell, Holsclaw, Ragan, Rudd, Rogers, Byrd, Howell, Sparks, Holt, Weaver**
Constitutional Amendments - Proposes an amendment to the Constitution of Tennessee recognizing that our liberties do not come from governments, but from Almighty God. -
- 29. [HB 0668](#) *Hill M, Matheny** (SB 0944 by *Ketrn)
Tort Liability and Reform - As introduced, provides civil immunity for the driver of an automobile who injures a protester who is blocking traffic in a public right-of-way if the driver was exercising due care. - Amends TCA Title 19; Title 20; Title 29, Chapter 34; Title 54 and Title 55.

30. [HB 1190](#) ***Hill M** (SB 1001 by *Beavers)
Forfeiture of Assets - As introduced, extends the period, from 45 days to 60 days after a request is filed, in which a court must set a date for hearing a person's claim in regards to a conveyance that has been seized following a conviction for a sexual offense, robbery offense, burglary offense, or a felony theft offense. - Amends TCA Title 40, Chapter 33.
31. [HB 1195](#) ***Butt** (SB 1147 by *Hensley)
Child Abuse - As introduced, prohibits the department of children's services from instituting reunification plans between a parent or legal guardian and child in instances of child abuse until written approval is obtained from the appropriate district attorney general, the investigation is closed, and it is determined that reunification of the parent or legal guardian and child is in the best interest of the child. - Amends TCA Title 37 and Title 39, Chapter 15, Part 4.
32. [HB 0876](#) ***Akbari, Miller** (SB 1139 by *Kyle)
Domestic Violence - As introduced, increases penalty from Class A misdemeanor to Class E felony for violation of an order of protection, possession of a firearm while subject to an order of protection, and conviction for a misdemeanor crime of domestic violence. - Amends TCA Title 39, Chapter 13 and Title 39, Chapter 17.
33. [HB 0363](#) ***Zachary** (SB 0653 by *Niceley)
Handgun Permits - As introduced, authorizes handgun carry permit holders to carry a concealed handgun into a posted building or prohibited place operated by a state or local governmental entity unless there are metal detectors and armed security guards stationed at all public entrances. - Amends TCA Title 39, Chapter 17, Part 13.
34. [HB 1318](#) ***Zachary** (SB 0362 by *Haile, Bowling)
Adoption - As introduced, permits a parent to complete documents and forms necessary to execute a surrender or parental consent prior to the birth of a child; deems invalid a surrender or parental consent filed prior to a child's birth until after the birth of the child and the expiration of any applicable waiting period. - Amends TCA Title 36, Chapter 1, Part 1.
35. [HB 1355](#) ***Mitchell, Hardaway** (SB 0879 by *Harris)
Public Employees - As introduced, deletes requirement that a court must award attorneys' fees and costs to prevailing state and local government employees sued in individual capacity. - Amends TCA Section 29-20-113.
36. [HB 0047](#) ***Clemmons** (SB 0309 by *Kyle)
Firearms and Ammunition - As introduced, requires mandatory minimum sentences for certain criminal convictions involving semi-automatic firearms. - Amends TCA Title 39, Chapter 17, Part 13.
37. [HB 0048](#) ***Clemmons** (SB 0308 by *Kyle)
Handgun Permits - As introduced, requires one-half of every handgun carry permit fee to be annually donated to one or more nonprofit organizations established for the purpose of providing financial assistance to families of police officers, firefighters, and emergency medical staff who lost lives or are victims of serious and disabling injury in the line of duty. - Amends TCA Title 39.

38. [HB 0919](#) ***Staples, Smith** (SB 0844 by *Briggs)
Judicial Officers - As introduced, establishes the position of domestic abuse magistrate for Knox County to issue orders of protection, hear order of protection violations, set bail and bail conditions, and perform other duties assigned by the circuit court judge of the 4th division who is also the appointing judge. - Amends TCA Section 40-1-111.
39. [HB 1254](#) ***Towns** (SB 1402 by *Tate)
Firearms and Ammunition - As introduced, requires law enforcement agencies and departments to compile certain information on crimes involving firearms and submit the information annually to the Tennessee bureau of investigation, which then compiles a report of the information for distribution to the members of the general assembly. - Amends TCA Title 38 and Title 39.
40. [HB 1261](#) ***Towns** (SB 0872 by *Yarbro)
Search & Seizure - As introduced, prohibits a law enforcement officer from seizing or destroying a person's photograph or recording of an event or person if it is not illegal and the person is in a place the person has a right to be when photographed or recorded; allows law enforcement to petition court for copy of certain photographic material. - Amends TCA Title 40, Chapter 6, Part 1.
41. [HB 1337](#) ***Hardaway** (SB 1302 by *Harris)
Child Abuse - As introduced, requires the department of children's services to develop instructional guidelines for child safety training programs for members of professions that frequently deal with children who may be at risk of abuse; requires certain licensing boards to create child safety training programs; requires certain professionals to complete the appropriate child safety training program prior to license renewal. - Amends TCA Title 37, Chapter 1, Part 4; Title 49, Chapter 5, Part 1; Title 63, Chapter 23; Title 63, Chapter 6, Part 2; Title 63, Chapter 7, Part 1 and Title 63, Chapter 9.
42. [HB 1230](#) ***Beck** (SB 1311 by *Yarbro)
Deeds - As introduced, requires that a deed for the conveyance of real property be prepared and filed by a licensed attorney or the owner of the property; requires the county register to verify a deed is properly prepared before it is registered and to note the verification on the deed. - Amends TCA Title 8, Chapter 13; Title 23, Chapter 3; Title 66, Chapter 5, Part 1 and Title 66, Chapter 24.
43. [HB 1144](#) ***Casada** (SB 0440 by *Johnson)
Child Custody and Support - As introduced, allows a person seeking administrative review of the department of human services actions involving child support enforcement to file a written request for review within 20 days of receiving notice of the action, rather than 15 days. - Amends TCA Title 36.
44. [HB 1145](#) ***Casada** (SB 1239 by *Norris)
Attorney General and Reporter - As introduced, creates the office of the solicitor general. - Amends TCA Title 8, Chapter 6.

45. [HB 0349](#) *Farmer (SB 0554 by *Ketron)

Child Custody and Support - As introduced, changes standard for when a court may terminate parental rights to a child who was conceived as the result of the parent's rape of the mother from a criminal conviction to clear and convincing evidence that the rape occurred. - Amends TCA Title 36, Chapter 1, Part 1.

46. [HB 0420](#) *Farmer (SB 0371 by *Overbey)

Unclaimed Property - As introduced, enacts the "Uniform Unclaimed Property Act." - Amends TCA Title 30; Title 45; Title 48; Title 56; Title 66 and Title 67.

47. [HB 0421](#) *Daniel, Terry, Ragan, Goins, Hardaway, Holt, Kane, Hill T (SB 0316 by *Gardenhire)

Forfeiture of Assets - As introduced, establishes a new procedure for the seizure and forfeiture of assets as the result of criminal activity; requires conviction for the underlying criminal conviction before forfeiture can occur; requires clear and convincing evidence that the property is subject to forfeiture; and provides that all forfeited or abandoned money be deposited in state general fund and all property forfeitures be sold and the proceeds go into state general fund. - Amends TCA Title 39; Title 40; Title 53 and Title 55.

48. [HB 0406](#) *Carter, Hardaway (SB 0548 by *Ketron)

Civil Procedure - As introduced, enacts the "Public Participation Protection Act." - Amends TCA Title 4 and Title 20.

49. [HB 0407](#) *Carter (SB 0677 by *Yager, Harris)

Child Custody and Support - As introduced, eliminates the accrual of interest on child support arrearages. - Amends TCA Title 36, Chapter 5.